

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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GROUP 2600

Applicants: Paul Freiburger et al.

Assignee: Interval Research Corporation

Title: Attention Manager for Occupying the Peripheral
Attention of a Person in the Vicinity of a Display
Device

Serial No.: 08/620,641 Filed: March 22, 1996

Examiner: Jeffery A. Brier Group Art Unit: 2775

Attorney Docket No.: IR-003

Milpitas, California
August 3, 1998Assistant Commissioner for Patents
Washington, D. C. 20231

SUPPLEMENTAL RESPONSE TO OFFICE ACTION

Sir:

Please enter the following supplemental response to the Office Action dated February 3, 1998, in the above-identified application. A Response to Office Action was previously submitted by Applicants on July 3, 1998 (hereinafter, the "previous Office Action response"), responding to that Office Action.

Claims 1-67 are pending and have been rejected under 35 U.S.C. § 102. Reconsideration and allowance of Claims 1-67 was requested in the previous Office Action response, and is again requested in view of the additional remarks made herein and the documents accompanying this Supplemental Response.

In the Office Action, the Examiner rejected Claims 1-19, 21-31, 33-46 and 48-67 under 35 U.S.C. § 102(e) as being anticipated by Judson. The application from which the Judson patent issued was filed on October 19, 1995.

The instant application was filed on March 22, 1996. As indicated in the previous Office Action response, at least the subject matter recited in Claims 1, 6, 7, 9, 14, 15, 18-22, 24-29, 31, 32, 41, 42, 45-49, 53, 54 and 61-63 was conceived and reduced to practice prior to October 1995, thus making the Judson patent inapplicable as a reference that can be used to reject those claims, and obviating the rejection of Claims 1, 6, 7, 9, 14, 15, 18, 19, 21, 22, 24-29, 31, 41, 42, 45, 46, 48, 49, 53, 54 and 61-63 as being anticipated by Judson. With the previous Office Action response, Applicants submitted a copy of a Declaration of Paul A. Freiburger Under 37 C.F.R. § 1.131 stating facts that show conception and reduction to practice of the instant invention as described above. With this Supplemental Response, Applicants have submitted a Declaration of Philippe P. Piernot Under 37 C.F.R. § 1.131 and a Declaration of Giles N. Goodhead Under 37 C.F.R. § 1.131, each of which also state facts that show conception and reduction to practice of the instant invention as described above. Messrs. Freiburger, Piernot and Goodhead are the inventors of the subject matter recited in Claims 1, 6, 7, 9, 14, 15, 18-22, 24-29, 31, 32, 41, 42, 45-49, 53, 54 and 61-63.

The Examiner also rejected Claims 19, 20, 25-28, 32 and 41-47 under 35 U.S.C. § 102(a) as being anticipated by PointCast as described in the 2-13-96 Wall Street Journal article by Joan E. Rigdon. The Wall Street Journal article describing the PointCast software was published on February 13, 1996.

As discussed above, at least the subject matter recited in Claims 1, 6, 7, 9, 14, 15, 18-22, 24-29, 31, 32, 41, 42, 45-49, 53, 54 and 61-63 was conceived and reduced to practice prior to October 1995, thus making the Wall Street Journal article inapplicable as a reference that can be used to reject those claims, and obviating the rejection of claims 19, 20, 25-28, 32, 41, 42 and 45-47 as being anticipated by the description of the PointCast software in the Wall Street Journal article.

In view of the foregoing, as well as the remarks made in the previously Office Action response, it is requested that the rejection of Claims 1-67 under 35 U.S.C. § 102 be withdrawn. If the Examiner wishes to discuss any aspect of this application, the Examiner is invited to telephone Applicants' undersigned attorney at (408) 945-9912.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on August 3, 1998.

8-3-98 David R. Graham
Date Signature

Respectfully submitted,

David R. Graham

David R. Graham
Reg. No. 36,150
Attorney for Applicants